

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA

*Plaintiff,*

v.

0.9226 ACRES OF LAND, MORE OR  
LESS, SITUATE IN ZAPATA COUNTY,  
TEXAS; AND ERNESTO F. URIBE,

*Defendants.*

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CASE NO. 7:20-CV-175

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**NOTICE OF DISMISSAL PURSUANT TO FED. R. CIV. P. 71.1(i)(1)(A)**

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**TO THE HONORABLE COURT:**

In accordance with Fed. R. Civ. P. 71.1(i)(1)(A), the United States of America (“Plaintiff”), respectfully files notice of the dismissal of this case and requests this court issue an order of dismissal.

**I. INTRODUCTION**

1. Plaintiff is the United States of America (“Plaintiff”); named interested party and purported property owner per Schedule G of the Declaration of Taking (“Declaration”) (Docket No. 2) is ERNESTO F. URIBE. (“Defendant”).
2. On June 29, 2020, Plaintiff filed the Declaration (Docket No. 2) and Complaint in Condemnation (Docket No. 1), for a twelve (12) month temporary easement for real property identified as Tracts LRT-LZT-1015, LRT-LZT-1015-1, and LRT-LZT-1015-2 (hereinafter referred to as the “Property”). The interest and property are more particularly described in Schedules “C”, “D”, and “E” of the Declaration (Docket No. 2).

3. This matter was filed in error in the wrong Division and therefore interested party and purported property owner, ERNESTO F. URIBE, is not aware of the error filing.

## **II. ARGUMENT**

4. Plaintiff seeks dismissal of the entire action due to the error of filing this case in the wrong Division.
5. In this case, no compensation hearing on this Property has begun. The Plaintiff has not deposited any money into the registry of the court and therefore; has not acquired title. Moreover, Plaintiff has not acquired possession. Lastly, the Plaintiff has not exercised control over any portion of said Property.
6. Pursuant to Fed. R. Civ. P. 71.1(i)(1)(A), the following is the legal description of the Property as identified in the Zapata County Appraisal District, Tract LRT-LZT-1015, 0.1851 acres, more or less, being 32 fee of Lot 7, Block B-3, San Ygnacio Subdivision, also being Tax Parcel No. 6994, Zapata County Appraisal District, Texas; Tract LRT-LZT-1015-1, 0.3673 acres, more or less, being ½ of Lot 7, Block 3, San Ygnacio Subdivision, also being Tax Parcel No. 6999, Zapata County Appraisal District, Texas; and Tract LRT-LZT-1015-2, 0.3702 acres, more or less, being 64 feet of Lot 7, Block 3, San Ygnacio Subdivision, also being Tax Parcel No. 6995, Zapata County Appraisal District, Texas.

## **III. DISMISSAL**

7. Plaintiff, United States of America, give notice of the dismissal of this action, pursuant to Fed. R. Civ. P. 71.1(i)(1)(A).

Respectfully submitted,

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

By: *s/ John A. Smith, III*  
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